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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,973	09/20/2001	Hiroaki Kawai	1341.1107	1921

21171 7590 07/11/2003

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EXAMINER

LEE, DIANE I

ART UNIT PAPER NUMBER

21171

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 09/955,973	Applicant(s) KAWAI, HIROAKI	
	Examiner D. I. Lee	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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DETAILED ACTION

1. Receipt is acknowledged of the Response to Restriction Requirement filed on 13 June 2003, which applicants provisionally elect to prosecute Group I, claims 1-7, drawn to an apparatus, which reads a code given to a commodity for setting information, without traverse. In the Response to Restriction Requirement filed on 13 June 2003, applicant has canceled the non-elected claims 8-15, without prejudice. Currently, claims 1-7 are remained in the application for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. **Figures 19, 20, 21, 22A, and 22B** should be designated by a legend such as **--Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over a Prior Admitted by the applicant [PAAA] in view of Takumi [JP 06-259002, cited by the applicant].

Re claims 1-4: PAAA teaches that a conventional bar code reader 20 having:

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a reading unit 20, which reads a code 71, give to a commodity 70 (see figures 19-20);

an operator setting information collecting unit 29 which collects an uniformly determined or a default operator setting information depending the uniformly determined or default personal features of operators engaged in operation for reading the code (i.e., the regardless of the individual operator setting information or personal features) (see page 4, lines 17+ and page 6, lines 9+);

a setting unit 28 sets operation standard on the basis of the uniformly determined or default operator setting information before the operation (see page 4, lines 17+);

a writing unit writes the uniformly determined or default operator setting information in the memory 29 (i.e., by the person in charge of the manufacturer of the bar code reader, see page 4, lines 17+);

a pronouncing unit (speaker 27) generates a specified sound depending on the state of the operation, wherein the setting unit sets volume and/or tone information of the sound (see page 4, lines 17 and figure 19); and

a controller 26 monitors all operation of the reading unit 20, which obviously includes the operation of monitoring whether the operation of the reader conforms to the preset operation standard or not (see page 4, lines 11+).

PAAA fails to teach the operator setting information is an individual operator setting information, which is depends on personal features of operator engaged in operation for reading the code; a writing the individual operator setting information in a portable recording medium; and a setting reading unit which reads the individual operator setting information from the portable recording medium before operation.

Takumi teaches a system enables each operator to set individual information based on the personal information or personal features including an operator's habit, the feature, an capacity (see the abstract). The fact that Takumi teaches that the personal features includes an operator's habit, the feature, an capacity, and etc., and wherein the operator's habit includes the rhythm of the operator for the rhythm of the operator as in personal features when operating the apparatus includes the movement or variation characteristics of the operator. Each operator's individual setting information based on the personal

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information or personal features are stored in the 2D bar code of the data file type card 11 (i.e., system includes a writing means for writing the individual operator setting information in a portable recording medium the card 11, and read by the bar code reader 5 (the card 11 is not specifically shown in the figures but disclosed in the par. 12, 16, 27, and see also figure 1); a setting reading unit reads the individual operator setting information from the portable recording medium before operation (see par. 12).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the flexible setting feature of each operator, as taught by Takumi, i.e., setting the operator setting information individually based on personal features of operator engaged in operation in or portable medium and the system reading each individual personal features for setting information, in the system of PAAA in order to conform the operation of the scanner to each individual's habits or features of the operators rather than each individual of operators having different habits or features conform to an uniformly predetermined or a default operation, and therefore, reduce the error by operator's scanning operation.

Re claim 5: PAAA as modified by Takumi does not specifically teaches the apparatus having an authenticating unit, the fact that portable card storing each individual information and the reader reading the individual information from card for identifying each individual characteristics.

However, user identification in a card reading system is a notoriously old and well known in the card system, therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide a user identification data on the card when writing the operator's information and the reader authenticating the operator by user's identification when reading the card in the teachings of PAAA as modified by Takumi in order to validate the operator for an authorized personnel for operating the apparatus so as to increase and control the security of the apparatus.

Re claims 6-7: With respect to storing a specified sound, volume, and/or tone information in the portable recording medium as a setting information would have been an obvious extension taught by PAAA as modified by Takumi for further accommodating the user's preference and desire in setting the apparatus.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

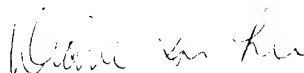
Latimier et al. [US 2002/0074402] discloses a scanner or reader determining the operator's scanning technique and setting the apparatus accordingly

Hardesty et al. [US 5,504,315] discloses a scanner or reader having a plurality of setting parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.
June 27, 2003